

Author: Assembly Revenue & Taxation Committee Analyst: Nicole Kwon Bill Number: AB 3078

Related Bills: None Telephone: 845-7800 Amended Date: April 23, 2008

Attorney: Patrick Kusiak Sponsor: _____

SUBJECT:

Give Taxpayer Advocate Narrow Equitable-Type Powers to Relieve Penalties Due to FTB Action / Modify the Group Return Provisions / Real Estate Withholding for Certain Non-California Business Entities / Period of Limitations for Other State Tax Credit Claims for Credit or Refund

____ ANALYSIS NOT REQUIRED of this bill – Not within scope of responsibility of this department.

____ TECHNICAL BILL – No program or fiscal changes to existing program.

____ BILL AS AMENDED NO LONGER WITHIN SCOPE of responsibility or program of the department.

____ TECHNICAL AMENDMENT – No change in previously submitted analysis required.

X Approved position of prior analysis is _____.

____ MINOR AMENDMENT – No change in previously submitted analysis required. Approved position of prior analysis is _____.

____ MINOR AMENDMENT – No change in approved position of _____.
See Comments below

____ OTHER – See comments below.

COMMENTS:

This bill would do the following:

- Allow entities to file a tax return on behalf of certain nonresidents.
- Close loopholes in current tax withholding on the payments nonresident individuals and non-California businesses receive from the sale of California real property.
- Extend the statute of limitations for claiming the credit for taxes paid to another state.
- Give discretionary authority to the Taxpayers' Rights Advocate to grant relief from penalties, fees, or interest imposed on a taxpayer because of erroneous actions of the department.

The April 23, 2008, amendments added a co-author to the bill and made a minor technical change. The department's previous analysis of the bill as introduced March 13, 2008, still applies.

Board Position:

____ S ____ NA ____ NP
____ SA ____ O X NAR
____ N ____ OUA ____ PENDING

Franchise Tax Board Staff

Date

Nicole Kwon

4/28/08